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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,204

08/15/2003

Ramin Cyrus

9692-000031

2088

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11/15/2006

HARNESS, DICKEY & PIERCE, P.L.C.

P.O. BOX 828

BLOOMFIELD HILLS, MI 48303

EXAMINER

SIMS, JASON M

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/643,204	Applicant(s) CYRUS ET AL.	
	Examiner Jason M. Sims	Art Unit 1631	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 8-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/30/06, 1/31/06, 7/25/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's election of group I, claims 1-7 in the reply filed on 1/16/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 8-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventive group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 1/16/2006.

Claims 1-7 are the current claims hereby under examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 contains the wording "consumptibles," which is vague and indefinite as to what it means. Clearer claim wording is required.

Claim 7 contains the wording "identified therein coincident with access," which is vague and indefinite. It is unclear as to what exactly this phrase refers. Clearer claim wording is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Stanley et al. (US Pub/N 2002/0156756).

The claims are directed to a life sciences laboratory system comprising a networked computer system that defines a virtual research environment that is accessible to a user; provides a workspace wherein the user can store and organize information relating to life science research; the virtual research environment having a data coupling mechanism by which the user designates a set of user-specified data for bioinformatics processing; and the networked computer system including at least one processor to perform bioinformatics services upon said user-specified data.

Stanley et al. teaches claim 1 in the abstract, Fig. 5, paragraph [0023], [0109], Stanley et al. in the abstract, discusses a software product designed for diversified data in networked Life Sciences applications environments. Stanley et al. at Fig. 5, shows a workstation, which is networked to other computers and a hard drive and processor that performs the services upon request and can store and organize information relating to life science research in a such formats as a database, which represents a networked

computer system that defines a virtual research environment accessible to a user through a portal and providing a workspace wherein the user can store and organize information relating to life sciences research. Stanley et al. further discusses in paragraph [0023], how the instant invention pertains to a system and computer program product in the life sciences and specifically bioinformatics. Therefore, the data and processing that occurs in disclosed processors and storage devices in Fig. 5 are for systems and life science research pertaining to the field of bioinformatics.

Stanley et al. teaches claim 2 in paragraph [0040]. Stanley et al. discusses a status management component that provides methods for detailed activity logging, data acquisition states, ranking status, local and remote access attempts and overall provides information monitoring and updates for real-time viewing, which represents a workflow system operable to allow a user to prescribe and track the performance of a series of steps associated with that user's life sciences research.

Stanley et al. teaches claim 3 in paragraphs [0036-0039]. Stanley et al. discusses systems of data storage where content is stored according to relevancy, which represents a hierarchical level of organization. Stanley et al. further discusses an interactive routing component that defines where data content is located and where query-relevant content and/or results will be directed within the network for analysis or presentation, which represents defining links among related information across hierarchical levels and an index that organizes life sciences information into hierarchical levels.

Stanley et al. teaches claim 4 and 6 in Fig. 5 and paragraph [0109]. Stanley et al. refers to Fig. 5, which shows networked computers connected to a workstation and then discusses how the workstation is connected to a laboratory instrument, such as a gene sequencer or gel electrophoresis machine, which represents a virtual laboratory equipment interface whereby user may interact with selected ones of a plurality of different life science laboratory equipment. Stanley et al. further discusses bi-directional lines representing any to any connectivity, which represents a data coupling mechanism adapted to allow a user to transfer data between the workspace and a life sciences related instrument.

Stanley et al. teaches claim 5 in the abstract. Stanley et al. discusses the Intelligent Object content as comprising; user and session identification, user and session authentication, and permission for data access, which represents a life sciences laboratory system comprising access control of the system adapted to maintain privacy of the workspace by restricting access of the workspace to one or more designated users.

### ***Conclusion***

No claim is allowed

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Sims, whose telephone number is (571)-272-7540.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Wang can be reached via telephone (571)-272-0811.


Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the Central PTO Fax Center. The faxing of such papers must conform with the notices

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published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 CFR § 1.6(d)). The Central PTO Fax Center number is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

// Jason Sims //

 10 November 2006  
JOHN S. BRUSCA, PH.D.  
PRIMARY EXAMINER